

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>RONNIE S. COBY,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 09-0544-CG-M</b>
<b>MICHAEL J. ASTRUE,</b>	:	
<b>Commissioner of</b>	:	
<b>Social Security,</b>	:	
<b>Defendant.</b>	:	

**ORDER**

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that Defendant's Motion to Dismiss (Doc. 12) be **DENIED**. This action will proceed to an adjudication of the merits.

**DONE and ORDERED** this 4<sup>th</sup> day of December, 2009.

/s/ Callie V. S. Granade  
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CHIEF UNITED STATES DISTRICT JUDGE